



Open Report on behalf of Andy Gutherson, Executive Director - Place

Report to:	Executive
Date:	07 March 2023
Subject:	Local Nature Recovery Strategy - A Partnership Approach
Decision Reference:	I028811
Key decision?	No

Summary:

The Environment Act 2021 placed new duties on Local Authorities to improve biodiversity. The Act provides for the production of a Local Nature Recovery Strategy (LNRS) to guide the most appropriate and effective ways to achieve Biodiversity Net Gain.

It is expected that Lincolnshire will be included in a Greater Lincolnshire strategy area and that the County Council will be appointed by the Secretary of State to act as responsible authority.

This Report describes the role of the responsible authority and proposes that in exercise of that role the LNRS is produced through collaborative partnership working and governance

Recommendation(s):

That the Executive:-

- 1) notes the likely identification of Greater Lincolnshire as a Local Nature Recovery Strategy (LNRS) area and the likely appointment of the County Council to act as responsible authority;
- 2) approves the fulfilment of any future role of the County Council as responsible authority through a partnership approach;
- 3) subject to the detail of Regulations and Guidance, approves in principle the overall governance model set out in Appendix A; and
- 4) delegates to the Executive Director – Place in consultation with the Executive Councillor for Economic Development, Environment and Planning, authority to determine the final form of the partnership governance arrangements

Alternatives Considered:

1. Not to progress the LNRS through a partnership approach or identify a different overall governance model

Regulations and Guidance are expected to require a partnership approach to the LNRS and a partnership approach is the only means of producing a robust and workable strategy. The overall governance approach proposed is considered to represent a proportionate approach to the involvement of all key stakeholders in the process while maintaining a focus on delivery and timely decision-making. The approach will be flexible to take into account the requirements of expected Regulations and Guidance.

Reasons for Recommendation:

Greater Lincolnshire is the LNRS strategy area as defined by the Government. It is important that decision making and governance is undertaken to reflect the wider geography of the strategy area and a partnership between the three tier one authorities, Natural England and the existing Greater Lincolnshire Nature Partnership will serve to ensure appropriate delivery of the LNRS.

Whilst the final regulations have not been released with regards to the procedure to be followed in the delivery of the strategy, forming a partnership framework pre-emptively will ensure that the demanding timeframes can be met effectively and efficiently while giving the flexibility to respond to the details of Regulations and Guidance. Work with Defra and Natural England has already been undertaken to explore how best this may be achieved and the proposals at Appendix A reflect these discussions.

1. Background

The Environment Act 2021 places new duties on Local Authorities to improve biodiversity, including:

- A mandatory minimum 10% biodiversity net gain (BNG) on nearly all developments from November 2023;
- A duty to enhance and report on biodiversity in addition to the existing duty to conserve it;
- Provision for the production of Local Nature Recovery Strategies (LNRS) to guide the most appropriate and effective ways to achieve BNG.

Local Nature Recovery Strategies (LNRS) form the basis to achieving BNG. They are a new, England-wide system of spatial strategies for nature. They will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Each Strategy will, for the area that it covers:

- agree priorities for nature's recovery
- map the most valuable existing areas for nature
- map specific proposals for creating or improving habitat for nature and wider environmental goals.

The production of each LNRS will be evidence-based, locally led and collaborative, to create a network of shared plans that public, private and voluntary sectors can all help to deliver. This will underpin the Nature Recovery Network and will help achieve wider environmental objectives (like carbon sequestration to mitigate climate change or managing flood risk) and contribute to green economic recovery objectives.

There will be 48 LNRS covering the whole of England to be determined by the Secretary of State. Each LNRS will have a 'responsible authority', appointed by the Secretary of State that will lead the production of the strategy for their area and have a statutory duty to "prepare and publish" the strategy.

The Act provides for the making of Regulations setting out the procedure for the production of the strategy together with Guidance. However, it is already clear that each responsible authority will develop a partnership to help deliver the LNRS and ensure that it is collaborative and fully represents all aspects and interests of the area it covers (biodiversity, community, development, agriculture etc).

The responsible body will have a duty to produce the LNRS for the area it covers within a two year timescale, then report on the progress against the priorities on a five year cycle thereafter.

Regulations, guidance and funding towards LNRS preparation are expected from the Secretary of State (SoS) for the Department of Environment, Food and Rural Affairs (Defra) in April 2023.

The SoS has proposed that Lincolnshire County Council (LCC) be the 'responsible authority' for the Greater Lincolnshire LNRS. The geographical area covers LCC, North Lincolnshire Council (NLC) and North East Lincolnshire Council (NELC) administrative areas.

2. Partnership and next steps

It is proposed that although LCC will be the responsible authority it will work closely, in partnership, with NLC and NELC to lead the production of the LNRS. In turn the three upper tier authorities will work collaboratively with all district councils and partner organisations to develop the strategy.

The Greater Lincolnshire Nature Partnership (GLNP) is a formally constituted partnership of 49 organisations, including all the Greater Lincolnshire local authorities, statutory bodies and other non-government organisations. With a track record of coordinating and delivering action for biodiversity in Greater Lincolnshire, there would be clear benefits in working collaboratively with the GLNP to establish the Greater Lincolnshire LNRS. Although there are already 49 members in the GLNP there will still be a need to include many more stakeholders, organisations and land managers to ensure that it will be a truly collaborative well-functioning partnership to develop the LNRS.

3.Resources:

In March 2022 LCC received £16,304 from Defra plus an additional £32,500 in January 2023. This is seed funding to be used to enable the partnership to begin the process of developing the LNRS and help fund any identifiable gaps in skills, data, or stakeholder capacity building. Additional Burdens Funding is expected from DEFRA in 2023/24. It is anticipated to be in excess of £120,000.

In order to achieve the LNRS within the allocated timescale, LCC will lead the production of the LNRS including establishing the LNRS partnership; Co-ordinating the work of the management board, steering group, and task groups; Raise awareness and promote the LNRS and its importance to the Nature Recovery Network and Biodiversity Net Gain, work with all partner organisations, Co-ordinate the stakeholder capacity building, procure necessary research and data collection and work with the GLNP to produce the mapping and then produce the final LNRS document within the 2 year timescale set out by the Environment Act 2021.

4. Next Steps:

Whilst detailed guidance on the strategies is awaited, Defra has been encouraging responsible authorities to build partnerships and start the process of working towards their development. In this regard the following actions are being undertaken:

- Scoping of governance arrangements (See Appendix A)
- Discussion on the potential establishment of a Management Board between LCC, NELC, NLC, Natural England and GLNP.
- Discussion on the potential establishment of a LNRS Steering Group from all local authorities, Natural England, GLNP and key partner organisations
- Identifying additional key stakeholders
- Identifying additional works that will be required, gaps in skills / knowledge and work with Natural England to address them
- Raising awareness of the LNRS with local authority members and officers, GLNP partners and potential additional stakeholders, to develop shared understanding of the purpose of LNRS. This was formally introduced at the GLNP conference on 1st November 2022
- Developing online training for LCC, NLC and NELC Members

Whilst key legal requirements remain unknown (including the requirements for final sign-off of the Strategy, the approach of the local authorities must remain flexible. However, the overall model set out in Appendix A is considered to form a sound basis for the governance of the production of the strategy and one capable of being adjusted to meet any specific requirements of either Regulations or Guidance.

Executive are asked to approve it as a basis for progressing the strategy with the final form of the arrangement being delegated to the Executive Director – Place in consultation with the Executive Councillor for Economic Development, Environment and Planning.

5. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

No Equalities Impact Assessment has been carried out to date. It is not envisaged that the establishment of a partnership to deliver the LNRS will have any form of impact on protected characteristics

Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The JSNA & JHWS have been reviewed. There is an identified positive impact from the production of the Local Nature Recovery Strategy in the identification of accessible green and blue space which is beneficial for both physical and mental well-being

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

The section 17 matters have been considered and there are not considered to be any implications arising out of this decision.

5. Conclusion

It is considered that the formation of a partnership approach as outlined above and as part of an overall governance for the production of the LNRS as outlined in Appendix A is the appropriate response to the delivery of the statutory responsibility as determined by the Environment Act 2021.

6. Legal Comments:

The Council has the power to implement and engage with the partnership approach as outlined in the Report. The detail will need to be kept under review as Regulations and Guidance are finalised and published.

The decision is consistent with the Policy Framework and within the remit of the Executive.

7. Resource Comments:

Although final regulations and guidance has not yet been published it is clear that Defra have and will continue to fund the delivery of the LNRS. To date £48,804 has been received by LCC as the allotted Responsible Authority and a further, more significant amount, is due in 2023-2024.

Utilising existing, well established partnerships such as the Greater Lincolnshire Nature Partnership is the most effective and efficient model for undertaking the required analysis work.

8. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The decision will be considered by the Environment and Economy Scrutiny Committee at its meeting on 28 February 2023 and the comments of the Committee will be reported to the Executive

d) Risks and Impact Analysis

See the body of the Report

9. Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed LNRS Governance Structure

10. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Background Paper	Where it can be viewed
Environment Act 2021	Environment Act 2021

This report was written by Chris Miller - Head of Environment, who can be contacted on 07919 320573 or chris.miller@lincolnshire.gov.uk.

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